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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on 10 December 1992, at 3 p.m.

Chairman: Mr. ALSTON

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Report of the Committee to the Economic and Social Council (continued)

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GE.92-18878 (E)

The meeting was called to order at 3.30 p.m.

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 10) (continued)

Problems caused by last-minute deferrals of the presentation of reports (E/C.12/1992/WP.16)

1. The CHAIRMAN invited the members of the Committee to consider the document, paragraph by paragraph.

Paragraph 1

2. Mrs. JIMENEZ BUTRAGUEÑO proposed replacing in paragraph 1 as well as in the title of the Spanish text the term ultimo minuto by ultima hora. Further, she considered that, at the end of the paragraph, it would be appropriate to specify the particular working group. The Committee might set up new working groups in the future and it would be necessary to be able to identify them.

3. The CHAIRMAN proposed to state that the group in question was the "Committee's Pre-sessional Working Group".

4. Mr. WIMER ZAMBRANO proposed the deletion of the word tan in the penultimate line of the paragraph.

5. Mrs. BONOAN-DANDAN proposed, in the same sentence, replacing "are all rendered less timely" by "are less relevant".

6. Mr. SIMMA proposed the formulation "might be rendered less relevant".

Paragraph 2

7. No comment.

Paragraph 3

8. Mr. KONATE proposed the deletion of the words "in the strongest possible terms" in the first sentence of the paragraph.

9. Mrs. BONOAN-DANDAN said that the Committee should not use language that was too weak and proposed saying "urge all States parties".

10. Mr. SPARSIS noted that there was a repetition in that the French version referred to circonstances exceptionnelles in paragraph 3 as well as paragraph 2 of the document.

11. Mr. MUTERAHEJURU considered that the concept of "deferrals" was not very clear and that "circumstances which are truly exceptional and unforeseen" could not, by definition, be known three months in advance.

12. The CHAIRMAN pointed out that the Committee did not really have any hold over States parties that decided to seek to defer the consideration of their reports. States could adduce any number of excuses which would be difficult

to challenge. The Committee should therefore be as firm as possible, but no contract existed between the States parties and the Committee. It was therefore difficult to be very clear in that context.

13. Mr. MUTERAHEJURU nevertheless proposed that the Committee should simply delete the second sentence in paragraph 1 which did not make any particular contribution to the substance.

14. Document E/C.12/1992/WP.16, as amended was adopted.

15. Mr. KONATE said that, in order to be heeded by States, the Committee should perhaps recommend to the Economic and Social Council that it took a decision or adopted a recommendation on the subject.

16. Mr. TEXIER proposed that a letter should be sent to the four States parties which had been due to submit their reports to the session and had not done so, drawing their attention to the document just adopted by the Committee.

17. The CHAIRMAN said that if there was no objection, he would take it that the Committee adopted the proposal by Mr. Texier.

18. It was so decided.

Procedures in relation to follow-up actions (E/C.12/1992/WP.17)

19. The CHAIRMAN invited members of the Committee to consider the document, paragraph by paragraph.

Paragraph 1

20. No comment.

Paragraph 2

21. Mr. WIMER ZAMBRANO considered that the Committee was sometimes excessively diplomatic in its use of language. He therefore proposed deleting the words "to the extent possible" which, furthermore, added nothing to the substance of the text.

Paragraph 3

22. Mr. SIMMA pointed out that the Committee had agreed to replace "conclude" by "pursue" in the first sentence of the paragraph and that the correction did not appear in the document.

23. He also proposed the deletion, in paragraph 3 (c) (iii) of the English version, of the word "either".

Paragraph 4

24. Mrs. JIMENEZ BUTRAGUEÑO wondered whether it would not be helpful to specify the nature of the "mission" referred to in the second sentence of the paragraph.

25. The CHAIRMAN recalled that the Committee had in fact agreed, at its earlier discussions, to remain vague in that regard.

Paragraph 5

26. Mrs. BONOAN-DANDAN considered the beginning of the paragraph was not very clear because of the excessive use of the word "conclusion".

27. The CHAIRMAN proposed deleting the first sentence of the paragraph and to begin the following sentence by "In the light of the report presented to it by its representatives, the Committee would ...".

28. Mr. MUTERAHEJURU noted that it was assumed that the State party would accept a mission. He therefore proposed that the Committee should insert a sentence in which it would contemplate the other eventuality.

29. The CHAIRMAN proposed the insertion of a paragraph which would read: "In a case in which the State party concerned does not accept the mission proposed, the Committee would consider making whatever recommendation might be appropriate to the Economic and Social Council."

30. Document E/C.12/1992/WP.17, as amended was adopted.

Response to very significantly overdue and non-submitted reports (E/C.12/1992/WP.18)

31. Mr. SPARSIS proposed deleting the words "very significantly" whenever it was used in conjunction with "overdue".

32. The CHAIRMAN drew attention to the need to make a distinction between a slight delay and a considerable delay. Further, the word used must be capable of being interpreted by the Committee: the latter could not allow itself to set out a precise period of time and must remain vague.

33. Mr. SPARSIS proposed speaking of "long overdue".

34. Mr. MARCHAN proposed "persistently" overdue.

35. The CHAIRMAN considered that word "persistently" would be used when several reports were overdue. Further, the expression "long overdue" was not flexible enough.

36. Mr. SIMMA, supported by Mrs. JIMENEZ BUTRAGUEÑO, proposed using the expression "considerably overdue".

37. Mrs. JIMENEZ BUTRAGUEÑO also considered that in that kind of procedure the logical order should be respected and that non-submission of reports should be mentioned before overdue reports.

38. The CHAIRMAN proposed that the document should be entitled "Procedure in response to non-submitted and considerably overdue reports".

Paragraphs 1 and 2

39. No comment.

Paragraph 3

40. Mr. SIMMA proposed changing, the end of the first sentence in the English text, the words "the foundation stones upon which the Covenant has been erected" by "the foundations of the Covenant", to conform to the French version (fondements du Pacte).

41. The CHAIRMAN noted that the Committee accepted that amendment.

Paragraph 4

42. No comment.

Paragraph 5

43. Mr. MRATCHKOV proposed, in the opening sentence of paragraph 5, the formulation "The Committee adopts the following measures" since when the report of the Committee was adopted those measures would be adopted.

44. The CHAIRMAN endorsed that proposal.

45. Mr. SIMMA thought that, in the interests of coherence, the expression "very significantly overdue" should be replaced by "considerably overdue".

46. The CHAIRMAN supported the proposal.

47. Mr. KONATE wondered about the adjustification for the last part of subparagraph (a) which read "taking due account of the desirability of a reasonable geographical spread of countries".

48. The CHAIRMAN stated that the concept of geographical distribution had been introduced at that juncture in the interests of balance and equity. Three out of the four States parties whose reports were most overdue belonged to the same continent.

49. Mr. KONATE raised the objection that the Committee had a duty to remain impartial and objective. Its sole criterion must be the reporting of obligation of States parties, regardless of the region to which they belonged.

50. Mr. MRATCHKOV agreed with Mr. Konate and proposed that any reference to geographical spread should be deleted.

51. Mr. SIMMA also thought that it was inappropriate to combine the strictly objective criterion of the length of the delay by States parties in submitting their reports with the criterion of the geographical spread of the countries, which was purely subjective.

52. Mr. SPARSIS noted that the introductory part of the paragraph announced a list of steps. However, in subparagraph (c) the Committee expressed a hope but did not indicate a step. The text of paragraph 5 might therefore need to be recast.

53. Mr. SIMMA agreed with Mr. Sparsis. He considered that the proper place for subparagraph (c) would be at the end of paragraph 4.

54. Mr. MRATCHKOV commented that subparagraph (d) was equally ill-drafted and agreed with Mr. Sparsis that all the subparagraphs needed to be recast to bring them into conformity with the opening sentence of paragraph 5.

55. Mrs. BONOAN-DANDAN considered that in subparagraph (d) the formulation "the situation" was not specific enough and proposed replacing it by "the status of economic, social and cultural rights".

56. Mr. NENEMAN felt that Mrs. Bonoan-Dandan's remark applied equally to subparagraph (e) where the term "situations" was equally vague.

57. The CHAIRMAN proposed amending "consideration of the situation" in subparagraph (e) to "consideration of the report". The Committee would envisage deferral only in a case where the State party concerned stated that a report would be submitted to it.

58. Mr. SIMMA objected that if the Committee amended subparagraph (e) in that way, it would give the impression that it would wait until it had the report in question in order to consider deferring its consideration; that was not the case. It would be better to say "consideration of the question".

59. The CHAIRMAN agreed with Mr. Simma.

60. Mr. FOFANA considered that a deferral should not be granted easily, but should depend on a start being made to meeting the obligation to submit a report: the State party concerned should give proof of its intentions by submitting at least a partial report on the implementation of a certain number of articles of the Covenant.

61. Mr. WIMER ZAMBRANO feared that such a solution might offer a means of delay to overdue States parties who would thus be able to keep the Committee in suspense by transmitting documents to it that were without real value; the sole effect of that would be to complicate the problem which the Committee was trying to resolve.

62. The CHAIRMAN agreed with Mr. Wimer Zambrano. Noting that Mr. Fofana did not press his proposed amendment, he read out the text of paragraph 5 with the amendments proposed by the various members of the Committee:

"5. The Committee adopts the following steps:

(a) It selects States parties whose reports are considerably overdue on the basis of the length of time involved;

(b) It notifies each State party that the Committee intends to consider the situation in respect of their country at a specified future session;

[text of former subparagraph (c) inserted at the end of paragraph 4]

(c) It decides, in the absence of any report, to consider the status of economic, social and cultural rights in the countries concerned in the light of all available information;

(d) In situations where, the State party concerned indicates that a report will be provided to the Committee, it authorizes its Chairperson to decide, if so requested, to defer consideration of the question for one session but not longer."

63. Document E/C.12/1992/WP.18, as amended, was adopted.

ORGANIZATION OF WORK (agenda item 2) (continued)

Schedule for consideration of reports of States parties by the Committee at its eighth and ninth sessions

64. Mr. TEXIER, recalling that the Committee had decided at its current session to prepare a schedule for the consideration, at its eighth and ninth sessions, of the situation concerning several States that were very late in submitting their report, asked the Chairman whether he had prepared the list of those States and when he expected to submit it to the Committee.

65. The CHAIRMAN explained that when they had taken a decision, the members of the Committee had also decided to select those States parties whose report - or situation - would be considered at the following session, in accordance with the principle of equitable geographical distribution and, when the choice had been made, to notify the States concerned as soon as possible in order to allow them the maximum amount of time to prepare their report. Accordingly, letters had already been addressed to four States parties - Kenya, Suriname, Belgium and Lebanon - notifying them that the Committee intended to consider the situation concerning them at its eighth session. It would also be necessary to prepare, at the current session, the list of States parties whose report would be considered at the ninth session. If the members of the Committee were in agreement to proceed in that way, the Chairman would formally submit that list to them at the next meeting.

66. Mr. WIMER ZAMBRANO said that he was surprised to see Lebanon among the four States parties whose reports would be considered at the eighth session.

For years that country had been under foreign occupation and torn apart by a civil war. It was obvious that the entire range of human rights was violated in that country and he wondered upon what aspects the Committee's questions could focus. He considered that Lebanon had been selected on the basis of a principle and without taking into account the facts of the situation and that the Committee should select another State party.

67. The CHAIRMAN reminded the Committee that Lebanon appeared on the list of most overdue States as it had not submitted a single report since its ratification of the Covenant, in 1976. Further, the Committee's decision had already been communicated to the Lebanese Government.

68. He also pointed out that the Committee had every latitude, when considering the report of any State party, to adjust its questions in the light of the situation prevailing in the country. In the case of Lebanon, it was obvious that the experts would study, not the enjoyment of the right to participate in cultural life, for instance, but the emergency measures taken by the authorities to provide the population with drinking water, foodstuffs and basic medicines, inter alia. On that basis, he considered that the Committee ought not to make an exception in the case of Lebanon on the ground that that country was in the throes of a civil war, because it would then have to do the same for a large number of other countries in a similar situation, such as Afghanistan, El Salvador, Iraq and the former Yugoslavia. Moreover, what would be the criteria for such an exception?

69. Mr. WIMER ZAMBRANO considered that precisely because Lebanon did not constitute an exception, the Committee should at some point consider formulating political and legal criteria on the basis of which it would decide to consider or not to consider the report of a State party at a future date. For the time being, realism and ordinary common sense made it desirable that the Committee should ask itself what kind of dialogue could be offered by a country rent asunder by fratricidal struggles and should refrain from requesting a report from a State which virtually no longer existed and had no statistical data to submit to the Committee. By insisting in such a case on the submission of a report at short notice, the Committee might well make a mockery of the entire procedure for the consideration of reports. The Committee could, in the case of Lebanon, allow the State party a reasonable period of time in which to prepare a report on the realization of rights of communities.

70. Mr. SPARSIS recognized the validity of the arguments advanced by Mr. Wimer Zambrano, but thought that countries where a civil war was raging should not be denied the opportunity of discussing with the Committee the reasons that precluded the realization of economic, social and cultural rights and perhaps obtaining, in that way, assistance to help them to overcome certain difficulties.

71. Mr. SIMMA said that he fully endorsed the opinion expressed by Mr. Sparsis. The solution might be to request the members of the Committee who would make up the Pre-sessional Working Group responsible for drawing up the list of issues to be sent to the Lebanese Government to take account of the considerations just formulated by Mr. Wimer Zambrano.

72. Mr. NENEMAN said that war was not the only situation which might cause States to be very late in submitting their reports and that the Committee could not anticipate all the situations which might occur in the future. At the current session, for instance, the USSR and Czechoslovakia, which were scheduled to submit a report, had not done so for the very good reason that they no longer existed as such. The Committee should therefore notify all States parties whose reports were very overdue that it intended to examine the situation concerning them at a particular future session, regardless of the situation prevailing in those States, although it might mean deciding, subsequently, to defer that consideration.

73. He therefore proposed deleting in document E/C.12/1992/WP.18, which the Committee had just adopted, the words "for one session but not longer" which had the drawback of tying the Committee's hands, whereas it should in effect give proof of flexibility.

74. Mr. WIMER ZAMBRANO thought, like Mr. Neneman, that the notification in question should be sent to all States parties which were very late but that, undue pressure should not be exerted on it when it was common knowledge that a State was experiencing serious difficulties.

75. The CHAIRMAN thought that such a way of proceeding might well prove disastrous, as countries would conjure up their difficulties endlessly in order to request a deferral of the consideration of their reports. It was precisely in those countries where the most serious difficulties occurred that economic, social and cultural rights were in greatest danger. The Committee would condemn itself to considering only marginal issues rather than what should be its main concerns. He thought that question was at the heart of the Committee's mandate and that the Committee should consider it in depth.

76. Mr. MUTERAHEJURU said that many countries, and not just Somalia which was an extreme case, were beset by situations in which it was not possible to determine with certainty which was the Government and if that Government was strong enough to impose its will. However, in peace as well as in war, human beings suffered and the Committee should watch over their rights, above all in societies where the Government that should protect the individual did not do so.

77. Mr. KOUZNATSOV said that certain provisions were entirely formal in the text of the Covenant itself. Even if they were at war (civil or other), State parties were required to comply with the obligations imposed on them by the Covenant, and the Committee could not avoid considering their reports. It was true that Lebanon was in a difficult situation, but the Committee nevertheless had an obligation to set the date for the consideration of its report. The Committee must therefore send it the requisite notification used for countries whose reports were very overdue.

78. Mr. SIMMA feared that the Committee might be taking it upon itself to release certain States from their obligation to submit reports, an obligation that was incorporated in the Covenant. The Committee, however, had no authority to do so: that was an important legal argument. Another argument related to the existence of precedents: the Committee had already considered the reports of countries like Cyprus or like Afghanistan. It had not spared

Afghanistan its criticisms, and the Afghan delegation had come to Geneva. In the case of Lebanon - and other countries having difficulties - the Commission must therefore interpret the rules it had itself drawn up with a degree of finesse. It must follow the procedure set for States that were very late in submitting their reports and the Pre-sessional Working Group must prepare its list of issues in the light of the Committee's deliberations.

79. Mr. TEXIER said that his opinion had shifted in the course of the current debate. He had thought first of all, like Mr. Wimer Zambrano that it was "surrealistic" to request a report from Lebanon and, in general a report from a country at war. However, he was coming round to the majority opinion. In the specific case of Lebanon, he continued to harbour some doubts, as the very concept of the State was involved and he was not sure of the existence of a Lebanese State. However, as Lebanon had ratified the Covenant, it was logical that the Committee should request it to submit a report. He thought that, in the event, that report would not be submitted and that the Committee would have to study the situation prevailing in Lebanon on the basis of other data.

80. Mrs. BONOAN-DANDAN considered that every State party was required to comply with the obligations contracted under the Covenant, whether it was at peace or at war, but still more so if it was at war, because it was then that individuals were most vulnerable and required protection against any human rights violation, whether civil and political rights or economic, social and cultural rights. It was also then that the Committee could be most useful to States parties by helping them to evaluate the situation and to formulate recommendations which would help the State to correct it.

81. Unlike Mr. Neneman, she thought that the Committee should not be able to defer consideration of the situation of a State party for more than one session. It was therefore inappropriate to change the wording of the last sentence in the draft contained in document E/C.12/1992/WP.18.

82. Mr. MRATCHKOV said that a distinction had to be made between two different cases. On the one hand, there was the case of States that were in an extremely difficult situation, such as Lebanon for example. If the State existed, it was at all times bound by the obligations it had contracted, including the obligation to submit reports. That, however, did not prevent the Committee, when it considered the report in question, to take into consideration the conditions prevailing in the country concerned in measuring the extent to which the Covenant was implemented.

83. On the other hand, there was the case of States which had disappeared as subjects of international law: the USSR, Czechoslovakia, Yugoslavia, the German Democratic Republic, for instance. That situation was entirely different. Since those countries no longer existed in law, there was no longer an obligation for them to submit a report. A study should be undertaken on the repercussions of the birth and death of States as far as the obligation to submit reports and, more generally, to comply with the Covenant, was concerned. The Commission might suggest that such a study should be undertaken.

84. Mr. WIMER ZAMBRANO approved Mr. Mratchkov's legal and political reasoning. However, he thought that the Committee was becoming bogged down in a non-problem. No one had proposed relieving States parties of their obligation. The intention was to avoid exerting undue pressure and to show flexibility when it was obvious that countries were in a particularly difficult situation.

85. The CHAIRMAN pointed out that in practice a State party could always disregard the Committee.

86. He thought that all the members of the Committee were in agreement on the following two matters. First, the Committee had an obligation to act impartiality and to invite all States parties to discharge their obligation to submit reports. Second, the Committee also had an obligation, when it considered the report obtaining in a State party - whether that State had submitted a report or not - to take due account of the specific circumstances. If the State was one that found itself in a particularly difficult situation, like Lebanon, the Committee should adjust its approach and show realism in the criticism or requests it would address to the Government. He therefore thought that there was no difference of opinion on that subject between Mr. Wimer Zambrano and himself, or other members of the Committee. The major difficulty was still the definition of the objective criterion in the light of which the Committee might decide to defer its consideration of the situation of a State which had requested deferral.

87. Like Mrs. Bonoan-Dandan, he considered that the Committee, or its Chairman, should not be allowed the possibility of deferring the consideration of the situation of a State beyond one session. The Committee must not incur the risk of being suspected of arbitrariness in its decisions and it must apply a uniform rule at that stage. Only on that condition could it then take fully into account the specific situation of a State party when it considered its report or its situation.

88. As far as countries like the Czech Republic and the Slovak Republic were concerned, the problem would not arise in practice, since their reports would not be overdue for some years.

89. If there was no objection, he would take it that the Committee wished those States parties whose reports were very late to be designated chronologically and not in terms of more subjective criteria and that, when the Committee considered the situation obtaining in countries experiencing serious difficulties like Lebanon, it should bear in mind the concerns stated at the present meeting and should adopt a sympathetic and appropriate approach.

90. It was so decided.

91. The CHAIRMAN said that the discussion just held had been extremely useful and would enable the Committee to have a better understanding of some of the situations which it would be called upon to consider.

Preparatory activities relating to the World Conference on Human Rights (E/C.12/1992/CRP.1/Add.6)

92. Document E/C.12/1992/CRP.1/Add.6 was adopted.

States parties to the Covenant and status of submission of reports

Membership of the Committee (E/C.12/1992/CRP.2)

93. Document E/C.12/1992/CRP.2 was adopted.

E/C.12/1992/CRP.2/Add.1

94. The CHAIRMAN reminded the Committee that the statement to the World Conference on Human Rights on behalf of the Committee, which appeared in document E/C.12/1992/CRP.2/Add.1, had already been adopted. He noted, however, that in the penultimate sentence of paragraph 3, the expression "set of rights" should be replaced by "category of rights" in the English version of the document.

95. Mr. SIMMA recalled that in the course of the debate which had taken place on the draft statement, there had been a proposal to change the term "optional" to "non-compulsory" in the third sentence of paragraph 18 and suggested that the document should be corrected.

96. Mr. KONATE thought that the formulation of the two last sentences of paragraph 3 of the document was unclear. He considered that it was enough to emphasize the interdependence of the various categories of rights and there was no need to assert that respect for civil and political rights was a sine qua non for the realization of all human rights. In his opinion, it was a condition that was necessary but insufficient. He therefore proposed amending or deleting the two sentences in question.

97. The CHAIRMAN considered that since the draft statement to the World Conference on Human Rights had already been considered in detail and adopted, it was not appropriate, at that stage, to recast it.

98. Mr. KONATE said he believed that the third paragraph of the statement was very important and evoked the long-standing dispute between those who thought that the realization of civil and political was sufficient to ensure that all other rights were respected and those who affirmed that the exercise of economic, social and cultural rights was indispensable for the realization of other categories of rights. He believed that it was erroneous and paradoxical to state, on one hand, that respect for civil and political rights was a sine qua non for the full realization of all human rights and, on the other, that there was no basis whatsoever to assume that the realization of economic, social and cultural rights would necessarily accompany or result from the realization of civil and political rights. He therefore proposed deleting the last two sentences in order to avoid any ambiguity, particularly as the last sentence restated an idea already expressed in the second sentence of the paragraph.

99. The CHAIRMAN considered that the two last sentences were very important. Unquestionably, respect for civil and political rights was a sine qua non for the full realization of all human rights. That being so, it did not mean that because civil and political rights were respected the other rights were necessarily respected. In some States, citizens enjoyed their civil and political rights but were unable to exercise fully their economic rights.

100. Mr. SIMMA said that he was strongly opposed to Mr. Konate's proposal to delete the two last sentences of the paragraph as, like the Chairman, he thought that they were of great importance. Moreover, he did not understand why the debate on substantive issues was being reopened when the paragraph in question had already been considered and adopted and when the statement had been adopted with the few amendments suggested.

101. Mr. KONATE pointed out that thus far the Committee had always supported the idea that it was not enough to exercise civil and political rights to be able to enjoy economic, social and cultural rights. Further, the Committee recognized that it was going too far by asserting that respect for civil and political rights was a sine qua non for the realization of other rights, since in the last sentence it back-pedalled by using the term "but". The contradiction was one which might revive the long-standing ideological, legal and philosophical debate on the superiority of either of the two categories of rights. It was enough to say that the two categories of rights were of equal importance, indivisible and interdependent. He therefore urged that the two last sentences should be reworded or deleted.

102. Mr. MUTERAHEJURU proposed, in the interests of a compromise, that sine qua non should be replaced by "indispensable".

103. Mr. MFATCHOKOV said that he understood Mr. Konate's concern and wondered whether the two last sentences might not be misinterpreted by raising a doubt as to the priority that civil and political rights might have. By way of compromise, he proposed inserting at the end of the third paragraph the following sentence "Further, the full exercise of economic, social and cultural rights made the exercise of civil and political rights fully possible". That would enable a balance to be restored in the paragraph between the two categories of rights and their indivisibility or interdependence as well as the principle whereby all human rights had the same legal and moral value to be underscored.

104. Mr. KONATE stressed once again that respect for one category of rights did not automatically result in respect for another. He feared that if the Committee established priorities or a scale of values, it might well revive the long-standing ideological debate on the superiority of a particular category of rights. That debate was now outmoded and the Committee's statement ought to reflect the current debate, which focused on the interdependence and indivisibility of rights. He considered that the problem involved was one of substance rather than of form. He rejected any scale of values whereby one category of rights had primacy over another. He therefore maintained his proposal and urged that nothing should be said which might convey the impression that one category of rights was favoured over another.

105. Mrs. JIMENEZ BUTRAGUEÑO proposed, in order to resolve the problem, paragraph 3 should end with the following sentence "Respect for civil and political rights was an indispensable element for the realization of economic, social and cultural rights" which would be followed by the first sentence of paragraph 5. She wished, however, to state that the two last sentences in the paragraph did not create any problem for her.

106. Mr. TEXIER said that he was at a loss to understand why the Committee was reverting to a text which had already been considered and adopted. He pointed out that the text of the statement had to be looked at as a whole in order to understand its scope. In the statement, the Committee said, in substance, that those who thought that the realization of economic, social and cultural rights stemmed automatically from the implementation of civil and political were mistaken and that the international community which protested against any infringement of civil and political rights was indifferent to violations of economic rights. The Committee had adopted a clear and strong statement which did not simply assert once again that human rights were interdependent and of equal importance, but went further by showing that, in point of fact, the international community did not treat the two categories of rights in the same way and that the situation must change. He therefore hoped that the Committee would adopt the text as it stood.

107. Mr. WIMER ZAMBRANO noted that the amendments that had been proposed when the draft statement (E/C.12/1992/WP.13) had been considered had not been incorporated in the final text. He shared, to the same extent, the viewpoint of Mr. Konate and thought that paragraphs 3 and 4 of the document should be amended by introducing the concept of the interdependence of human rights.

108. The CHAIRMAN proposed that a drafting group composed of Mr. Konate and Mr. Texier and any other interested member should meet before the next session in order to amend paragraphs 3 and 4 and to submit a compromise text to the Committee. He asked Mrs. Bonoan-Dandan to take the chair when the text was considered.

The meeting rose at 8.05 p.m.